

**CITY OF CAYCE
Regular Council Meeting
Tuesday, April 5, 2011**

The Regular April 2011 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Councilmembers Steve Isom, Tim James, James Jenkins, and Kenneth Jumper, City Manager Rebecca Rhodes, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development, Chief Charles McNair, Director of Public Safety, and Tara Yates, Grant Specialist were also in attendance. Mayor Partin advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Partin called the meeting to order. Councilmember Jenkins gave the invocation and the assembly recited the Pledge of Allegiance.

Ms. Rhodes introduced the City's new Grants Specialist, Tara Yates. Council welcomed Ms. Yates.

Mayor Partin spoke of a new event held in Cayce called Tartan Day South. She stated that the event was a Celtic festival and the City's police officers planned a special surprise. She recognized Sgt. Doug Curry. Sgt. Curry stated that because of his Scottish background he approached Chief McNair about a plan to get the police officers into the "spirit" of the festival by wearing kilts. He stated they were able to find kilts that were made especially for police officers and modeled his for the audience. Mayor Partin stated she was stopped by several people who said they go to these festivals all over the place and praised Public Safety for going to the extent to recognize the festival and be a part of it.

Mayor Partin reminded the audience about the Plant Exchange on April 16 at City Hall, the Racers Reunion at the Columbia Speedway on April 14-16, and Family Movie Night that is held at the Cayce Museum or at the Riverwalk Pavilion depending on the weather.

Approval of Minutes

Councilmember Jenkins made a motion to approve the minutes of the March 1, 2011 Regular Meeting, March 7 and March 21, 2011 Special Meetings as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Proclamations and Resolutions

- A. Approval of Resolutions Recognizing the Academic and Athletic Accomplishments of R. H. Fulmer Middle School and Presentation of Resolutions

Councilmember James made a motion to approve two Resolutions recognizing the Academic and Athletic Accomplishments of R. H. Fulmer Middle School. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote. Mayor Partin presented the academic resolution to Fulmer's Principal Dixon Brooks and Assistant Principal Megan Carrero, and the athletic resolution to Coaches Marie Gregory, Shawn Cunningham, Andy Posey and Charlie Grubbs and congratulated the school and students on their accomplishments.

- B. Approval of Proclamation – Administrative Professionals Week

Councilmember Jenkins made a motion to approve the Proclamation for Administrative Professionals Week, April 24-30, 2011. Councilmember James seconded the motion which was unanimously approved. Mayor Partin thanked the administrative staff of the City for all their efforts.

- C. Approval of Proclamation – Alcohol Awareness Month

Councilmember Jenkins made a motion to approve the Proclamation for Alcohol Awareness Month. Councilmember James seconded the motion which was unanimously approved.

Presentations

- A. Presentation by Commander John Kirkland of American Legion Post 130 re Funding for Boys and Girls State

Commander Kirkland appeared before Council to thank them for their sponsorship in the past which provided funding for students from Brookland Cayce High School and Airport High School to attend the program. He stated that South Carolina's program is rated number three in the nation and hoped that Council would give favorable consideration to provide sponsorship again this year.

- B. Presentation by Ms. Kelly Barbrey and Mr. Ric Luber re Midlands Authority for Convention, Sports and Tourism's Proud Partner Program

Ms. Barbrey advised that Mr. Luber could not attend due to a family emergency. She thanked Council for their support in promoting tourism in the entire midlands region and presented Proud Partner t-shirts to Council members. She stated that they are in the third year of the "Famously Hot" tourism campaign and wanted to present Council

with t-shirts depicting Cayce on the front of the shirt as partners in their endeavor. She provided Council with information on their current marketing efforts to promote tourism throughout the midlands region which includes Cayce.

C. Presentation by Ms. Cathy Treadway re Chapter 35 re Smoking in Places of Employment

Ms. Treadway appeared before Council to again request that they consider removing bars from the Smoking In Places of Employment ordinance. She stated that she continues to lose money because smoking is not allowed. She provided copies of her financial reports for Council's review (financial reports attached).

D. Presentation by Mr. Scott Long re Abbeville Shrine Club Bingo Financial Report and Chapter 35 Smoking in Places of Employment

Under the direction of Council, the City Attorney requested a financial report from Mr. Long showing the split of profit between him as promoter and the 501(c)(3) sponsor. The information was provided to Council and Mr. Jake Moore, attorney for Mr. Long, inquired as to any other information that Council would need in order to make a decision on whether or not his organization meets the definition in the Ordinance of "private club." He asked that Council provide his client with a resolution to this issue. Council and the City Attorney advised that no further information would be needed.

E. Presentation by Ms. Gloria Evans-Singleton re Water Issue

Ms. Singleton appeared before Council and expressed her concern with water running on her street for several months. She stated she contacted the City and the Water Department was unable to detect a leak. (See additional comments attached).

F. Presentation by Ms. Patricia Shull re Sewer Availability Charge

Ms. Shull appeared before Council to express her concern about having to pay a sewer availability charge when she is not tied onto the system and does not need to use the City's sewer.

G. Presentation by Mr. Earle Smith re Storm Water Issues

Mr. Smith appeared before Council to express his appreciation of Ms. Rhodes' commitment to develop a current citywide storm drain map and his concern about storm water issues in general (see comments attached).

Public Comment regarding Items on the Agenda

Ms. Barkley advised that no one had signed up to speak.

Ordinances

A. Approval of Ordinance to Annex and Zone Property Located at 3916 Platt Springs Road – First Reading

Councilmember James made a motion to approve the Ordinance to annex and zone property located at 3916 Platt Spring Road on first reading. Councilmember Isom seconded the motion. Ms. Rhodes advised that this is a single piece of property that the Planning Commission recommends be zoned as C-4. She stated that the property includes a paint and body shop and towing business and they have been notified that they have to be in the City for a year before they can be placed on the towing rotation list. Councilmember Jenkins inquired if they were aware of the City's ordinance regarding all the requirements to be placed on the towing rotation list. Ms. Rhodes stated that they were made aware of all the regulations. She stated that staff would make sure that they receive a copy of the Ordinance. Mayor Partin asked that when pictures and maps are presented to Council in these instances if they could include labels and cross streets. After discussion, the motion was unanimously approved by roll call vote

B. Approval of Ordinance Adding Section 6.11 to the Zoning Ordinance of the City of Cayce Relating to the Establishment of a Development Agreement District – First Reading

Ms. Rhodes stated that this is directly coming from one of the recommendations in the Comprehensive Plan. She stated that it would allow tracts of 25 acres or more to be rezoned into a development agreement district known as DAD and from that the city would be able to negotiate a development agreement with the property owner if it is their wish or the city's wish. She stated that it is important to negotiate an agreement so that you can ensure that all requirements for the development is met. She explained the background on this type of agreement and the fact that it is relatively new. She stated that the agreement protects both the city and the developer. Councilmember Isom inquired if the Ordinance was approved, how much of a burden it would create for city staff. Ms. Rhodes stated that this would not happen often, but the burden that would be put on staff if we do not have this type of agreement in place is even more than if we do. Councilmember Isom made a motion to approve the Ordinance adding Section 6.11 to the Zoning Ordinance relating to the establishment of a Development Agreement District on first reading. Councilmember James seconded the motion which was unanimously approved by roll call vote.

C. Approval of Ordinance to Amend Sec. 2-31 of the Cayce Code of Ordinances – First Reading

Ms. Barkley advised that Sec. 2-31 currently states that "the Council shall consist of four members elected from single-member districts established as shown on the map bearing the date May 26, 1992, as revised on August 4, 1994, attested by the city

clerk....” She stated that when the city went through the re-districting process after the 2000 Census, the maps were revised to reflect the most current population information and these maps were dated June 17, 2003 and approved by Council by ordinance on April 13, 2004.

She stated that to bring the code current, this section needs to be amended and the City Attorney has suggested that the amendment not carry any specific dates. By doing so, Council would not have to change the ordinance when district maps are revised. She stated that the amendment would read ...”and the Council shall consist of four members elected from single-member districts with district lines as last established by ordinance of the city.” Councilmember Jumper made a motion to approve the Ordinance to amend Sec. 2-31 of the Cayce Code of Ordinances on first reading. Councilmember James seconded the motion which was unanimously approved by roll call vote.

D. Approval to Amend the Business License Ordinance – Second Reading

Councilmember James made a motion to postpone the issue until the May Council meeting. Councilmember Isom seconded. Councilmember Jenkins, noting that this issue was previously postponed, asked that a resolution be brought to Council for consideration at the May meeting. Ms. Rhodes stated that she would do her best to provide information to Council at the May meeting so that they could hopefully resolve the issue. After discussion, the motion was unanimously approved by roll call vote.

E. Approval of Ordinance re Franchise Fee and Fee In Lieu of Taxes for City Water and Sewer System – Second Reading

Ms. Rhodes stated that she was unable to get a meeting with all parties together until April 21. She stated that this issue involves two other entities and it has been difficult to get all of them together. Councilmember Jenkins made a motion to postpone this item and Item VI. A. until the May Council meeting. Councilmember Jumper seconded the motion. Councilmember Jenkins again expressed his concern with these issues being postponed previously and asked that resolutions to both issues be presented to Council at the May meeting. He stated that both issues have received first reading approval and feels that this be brought back to Council for a second and final vote. Ms. Rhodes stated she would do her best to provide information to Council at the May meeting so that they could hopefully resolve this issue. After discussion, the motion was unanimously approved by roll call vote.

Other

A. Approval to Amend Utility Surcharge Rate Schedule

Action on this item was included in Item E. above.

B. Approval to Fund Boys and Girls State

Councilmember Jumper inquired if funding was being provided to students who could not afford to pay for the program on their own. Commander Kirkland stated that this was not a prerequisite in the past but beginning with this year, the students have been asked to fund it themselves if they can. If not, he stated sponsorship funds would be used for those who could not afford to attend.

Councilmember Jumper made a motion to sponsor two students from Brookland Cayce High School and two students from Airport High School for a total of \$1,200. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

C. Approval of SC DOT Resolution and Municipal State Highway Project Agreement for State Street Streetscaping Phases III. B. and IV. B.

Ms. Rhodes advised that she met with SC DOT representatives to discuss their plans for these phases of the project and felt comfortable in that they would provide comparable landscaping, etc., on their side of the road as the City would on the opposite side. She recommended that Council approve the SC DOT Resolution and Agreement. Councilmember Jenkins made a motion to approve the SC DOT Resolution and Municipal State Highway Project Agreement for State Street Streetscaping Phases III. B. and IV. B. Councilmember James seconded the motion which was unanimously approved by roll call vote. Ms. Rhodes stated that the City would do its best to notify the residents along this phase of the construction process as there is a possibility that construction on both sides of the street may be going on at the same time.

City Manager's Report

Ms. Rhodes stated that in reference to the Streetscaping Phase III and IV projects on the East side of the street, that the City should have the encroachment permit within one week based on a meeting Mr. Simmons had yesterday with SC DOT. She stated that contracts will be finalized next week with a pre-construction meeting and notice to proceed by April 15.

In reference to the sewer availability charge, Ms. Rhodes stated that staff has reviewed the list of 70 and has physically checked all the people on the list. She stated there are only 14 people who are not hooked on to the system. She stated a letter will be sent to those 14 individuals who will hopefully sign up for service and will then bring back the final number to Council.

She stated that regarding drainage concerns, the City did issue citations on M Avenue and is working on some things that will help in producing the GIS maps. She

stated that she contacted Lexington County and they will be providing the City with information on the drainage ditches they maintain.

She advised that she did research on the drainage pipe that was put in on 700 Naples Avenue and stated that there was an application for a drainage channel alteration submitted in 2009 and it was for an 18" pipe. She stated that staff did contact DOT and DOT advised the City and the property owner where to connect and what to do and we are making some progress on that issue.

Ms. Rhodes reminded Council of the Council Workshop scheduled for April 11, 2011 at 3:00 p.m. in Council Chambers. She inquired if staff needed to provide Council with new budget packets. Council advised that they would bring the information they received at the last Workshop. Ms. Rhodes stated staff would be sending an agenda and the departments' five year plans to Council on Friday.

Ms. Rhodes stated that the City received a request for a business license for a psychic business and that the City's code currently prohibits this type of business. She provided Council with a memo from the City Attorney advising that this prohibition is more than likely unconstitutional and that the City should choose not to enforce that portion of the Ordinance. She stated that an Ordinance to appeal this portion of the code will be submitted for Council's review at the May meeting.

Ms. Rhodes reminded Council that their Statement of Economic Interest forms must be filed with the State Ethics Commission by April 15. After that date, penalties will apply.

In reference to the recycling of electronics, Ms. Rhodes stated that as of July 1, 2011, the City will no longer be able to pick up these types of items. She stated that as part of the law, retailers must take back old equipment they sold for recycling and residents can either take these items back to the store where they were purchased or to the Lexington County Convenience Stations.

Ms. Rhodes advised that the Airport High School Education Foundation will be held on April 26 and inquired if Council wanted to sponsor a table as they have done in the past. Council is to advise staff if they would like to attend.

Ms. Rhodes stated that the MASC Annual Meeting is scheduled for June 16-19 and that registration and hotel information needs to be provided to Tammy Barkley by no later than May 1. Ms. Barkley reminded Council that members from Public Safety would be attending the Awards Breakfast to accept the Municipal Achievement Award which they won for their Community Policing Program.

Mayor Partin asked that Ms. Evans-Singleton be contacted regarding her issue. Ms. Rhodes advised that Ms. Barkley has already met with her and the appropriate repairs have been made.

Committee Minutes

- A. Approval to Enter the Following Committee Minutes into the City's Official Record

Councilmember James made a motion to approve that the following committee minutes be entered into the City's official record. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Cayce Housing Authority – February 15, 2011
Planning Commission – February 28, 2011
Cayce Historical Museum Commission – March 2, 2011
Beautification Board – March 8, 2011
Cayce Accommodations Tax Committee – March 22, 2011

- B. Committee Recommendations
Accommodations Tax Committee FY11-12 Recommendations for Funding

Councilmember Jumper made a motion to postpone action on this item until additional information could be provided to Council. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. Ms. Rhodes asked that Council be provided with information on who requested funding last year along with the amount of funds distributed. Ms. Barkley stated she would invite the Chair of the Accommodations Tax Committee to attend the May meeting to answer any questions that Council may have.

- C. Committee Appointments/Reappointments

Accommodations Tax Committee – One (1) Position

Ms. Sue Wofford's term expires April 2011. The Committee recommends that she be reappointed to the Board. Her reappointment application is attached for your review. Councilmember Jenkins made a motion to approve the reappointment of Ms. Sue Wofford. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Cayce Museum Commission – Two (2) Positions

Ms. Pat Walker has resigned from the Commission and Ms. Lynn Summers' term expires April 2011. There are no recommendations at this time. Councilmember Jenkins made a motion to postpone the issue until potential member applications are received for review. Councilmember James seconded the motion which was unanimously approved.

Councilmember Jenkins inquired if the City has applications on file from individuals who want to serve on Committees. Ms. Barkley advised that there are a few

applications on file and the procedure is that when they are received, copies of the applications are given to the respectively staff liaison to be considered when openings occur. She stated that Mayor Partin has also asked that copies of all applications considered for an opening accompany the one recommended by the Committee be included in the agenda packet and that this would begin with the May Council meeting.

Discussion was held on how to get more citizens involved in the City Committees. It was decided that the current minutes of the Committee meetings would be posted on the City's web site and that notice of any openings would be included on that web page as well.

Executive Session

- A. Discussion of negotiations incident to proposed contractual arrangements revising Agreement with South Capital Group Inc. (Concord Park) re Water and Sewer Capacity

Councilmember James made a motion to move into Executive Session to discuss the matter above. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Councilmember Jumper made a motion to reconvene the Regular meeting. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Possible Actions by Council in follow up to Executive Session

No action by Council was taken in follow up to Executive Session.

Councilmember Jumper made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:15 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk